United Nations A/71/691

General Assembly

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Seventy-first session
Agenda item 134
Programme budget for the biennium 2016-2017

Contingency fund: consolidated statement of programme budget implications and revised estimates

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered an advance version of the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/71/17). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 12 December 2016.

2. The Advisory Committee recalls the provisions of General Assembly resolutions 41/213 and 42/211 on the use of the contingency fund. In its resolution 41/213 (annex I, sect. C, para. 8), the Assembly provided that the programme budget should include a contingency fund expressed as a percentage of the overall budget level, to accommodate additional expenditures relating to the biennium derived from legislative mandates not provided for in the proposed programme budget or from revised estimates. In its resolution 42/211 (annex, sect. B, para. 1), the Assembly decided that the fund covers additional expenditures relating to the biennium that are based on decisions taken during a three-year period, which includes the year preceding the biennium and the biennium. Furthermore, the contingency fund is to be used for revised estimates in respect of amounts required over and above the estimates in the proposed programme budget for activities that had been included in the proposed programme budget but that were not acted upon at first reading pending the submission of additional information (annex, sect. A, para. (b) (i)). In the same resolution, the Assembly also provided that prudent use of the fund requires that it should not be exhausted before the end of the period of use (annex, sect. B, para. 2). Further, in its resolution 41/213 (annex I, sect. C, para. 9), the Assembly decided that if additional expenditures are proposed that exceed resources available within the contingency fund, such additional expenditures can

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be included in the budget only through the redeployment of resources from low-priority areas or modifications of existing activities; otherwise, such additional activities will have to be deferred until a later biennium.

3. The Advisory Committee recalls that, in its resolution 69/264 (para. 13), the General Assembly decided that the level of the contingency fund for the biennium 2016-2017 should be set at 0.75 per cent of the overall level of resources of the programme budget outline for the biennium, or $41,687,967, within which additional requirements would be accommodated. **The Advisory Committee reiterates its view that the contingency fund is an essential budgetary instrument for addressing additional resource requirements and emphasizes the need to adhere to the provisions of General Assembly resolutions 41/213 and 42/211 on its use (see A/70/7/Add.34, para. 6).**

4. The Secretary-General indicates that the total potential charges in the amount of $43,307,200 are the result of resources in the amount of $66,349,600 contained in his proposals, taking into consideration the related recommendations of the Advisory Committee for reductions in the amount of $23,042,400 at the time of the finalization of the report of the Secretary-General (see also para. 9 below). The total potential charges do not yet take into account the recommendations of the Committee relating to: (a) the revised estimates of the Human Rights Council; (b) the programme budget implications of the New Urban Agenda; and (c) the programme budget implications of the draft resolution on oceans and the law of the sea (see A/C.5/71/17, para. 6). The Secretary-General also indicates that the available balance in the amount of $17,619,900 comprises the remaining balance in the contingency fund, pursuant to General Assembly resolution 70/248 A, in the amount of $24,007,100, less charges approved at the resumed seventieth session of the General Assembly in the amount of $6,387,200. In addition, according to the Secretary-General, potential new charges to the contingency fund amounting to $43,307,200 would exceed the remaining balance of the fund by $25,687,300 (ibid., para. 2 and annex).

5. The Secretary-General indicates that an amount of $34,500 was identified for absorption in the context of the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its 2016 session. Furthermore, in reviewing the financial implications arising from the adoption of various draft resolutions by the Main Committees of the General Assembly, the Secretary-General identified a further amount of $278,600 for absorption within the approved resources for the biennium 2016-2017. The Secretary-General also indicates that the magnitude of additional requirements resulting from new and expanded mandates does not allow for full absorption (ibid., para. 4).

6. Upon enquiry, the Advisory Committee was provided with information on the utilization of the contingency fund since its inception (see table 1).

Table 1
Utilization of the contingency fund since its inception

Biennium	*Size (millions of United States dollars)*	*Percentage of preliminary estimate*	*Approved charges (millions of United States dollars)*	*Approved charges (per cent)*	*Separate and additional appropriations after the approved maximum for charges against the contingency fund[a] was reached (millions of United States dollars)*
1990-1991	15.0	0.75	11.8	78.7	–
1992-1993	18.0	0.75	6.3	35.0	–
1994-1995	20.0	0.75	18.5	92.5	–
1996-1997	20.6	0.75	5.2	25.2	–
1998-1999	19.0	0.75	3.7	19.5	–
2000-2001	19.1	0.75	18.9	99.0	–
2002-2003	18.9	0.75	18.9	100.0	–
2004-2005	21.6	0.75	13.8	63.9	–
2006-2007	27.2	0.75	26.6	97.8	52.6
2008-2009	31.5	0.75	26.3	83.5	–
2010-2011	36.5	0.75	14.1	38.6	–
2012-2013	40.5	0.75	37.5	92.6	8.6
2014-2015	40.4	0.75	40.2	99.5	5.1

[a] As contained in the reports that would normally represent a charge against the contingency fund.

7. **The Advisory Committee notes that, as shown in table 1, on three occasions since the biennium 1990-1991, the approved limit of the contingency fund has been exceeded, resulting in additional appropriations by the General Assembly. As indicated in paragraph 4 above, it is anticipated that another shortfall would occur in the biennium 2016-2017.**

8. Upon enquiry, the Advisory Committee was provided with information on the approved level of the contingency fund for the biennium 2016-2017, the approved charges against it and the remaining balances (see table 2).

Table 2
Approved level of the contingency fund for the biennium 2016-2017, the approved charges against it and the remaining balances

(Thousands of United States dollars)

General Assembly resolution	*Level of the contingency fund*	*Charges against the contingency fund*	*Balance*
Approved level of the contingency fund (resolution 69/264)	41 688.0	–	–
Approved charges against the contingency fund in resolution 70/248 A	–	17 680.9	24 007.1
Approved charges against the contingency fund in resolution 70/248 B	–	4 323.6	19 683.5
Approved charges against the contingency fund in resolution 70/248 C		2 063.6	17 619.9

The Advisory Committee recommends that the General Assembly request the Secretary-General to incorporate, in future reports on the subject matter, the information contained in table 2 above into the table showing potential charges to the contingency fund.

9. **The Advisory Committee trusts that an update to the list of potential charges to the contingency fund, reflecting the remaining recommendations of the Committee, will be presented to the General Assembly at the time of its consideration of the present report.**

10. **Taking into account its comments and recommendations in the paragraphs above, the Advisory Committee recommends that the General Assembly consider the potential charges related to new and expanded mandates against the contingency fund, as outlined in the report of the Secretary-General, and offer appropriate guidance to the Secretary-General accordingly.**

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Agenda item 31
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 14 December 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to attach hereto the statement of the Ministry of Foreign Affairs of Ukraine on the occasion of the forty-second anniversary of the adoption by the General Assembly of resolution 3314 (XXIX) entitled "Definition of Aggression" (see annex).

I would appreciate your having the present letter and its annex distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

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Annex to the letter dated 14 December 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Ukraine on the occasion of the forty-second anniversary of the adoption by the General Assembly of resolution 3314 (XXIX) entitled "Definition of Aggression"

14 December 2016 marks the forty-second anniversary of the adoption of General Assembly resolution 3314 (XXIX) entitled "Definition of Aggression".

Having illegally occupied the Autonomous Republic of Crimea and the city of Sevastopol and carried out further military intervention in the Donetsk and Luhansk regions, the Russian Federation initiated an unprovoked military aggression against Ukraine. The Russian Federation thus has blatantly violated its international obligations and commitments as envisaged under the Charter of the United Nations, the 1975 Final Act of the Conference on Security and Cooperation in Europe (Helsinki Final Act), the 1994 Budapest Memorandum and the 1997 Treaty between the Russian Federation and Ukraine on Friendship, Cooperation and Partnership. The Russian Federation has not only violated the sovereignty, territorial integrity and political independence of Ukraine, it has also threatened international peace and security. The third year of Russia's military aggression continues to bring pain and suffering to the people of Ukraine of all ethnic backgrounds. The total number of victims of this undeclared war in the heart of Europe exceeds 10,000.

In view of this, the Ministry of Foreign Affairs of Ukraine continues to affirm, in clear and unequivocal terms, that the occupation and subsequent attempt to annex the Autonomous Republic of Crimea and the city of Sevastopol, as well as Russia's illegal actions in Donbas, fall squarely under the definition of an act of aggression, in line with the provisions of paragraphs (a), (b), (c), (d), (e) and (g) of article 3 set out in the annex to General Assembly resolution 3314 (XXIX). Such actions constitute the most serious crime against international peace, which entails the international responsibility of the Russian Federation as a State and the international criminal responsibility of its senior leadership.

The Russian Federation is a party to an international armed conflict currently under way in our country, and the political and military leadership of Russia bears full responsibility for its planning, preparation, initiation and waging, as well as responsibility for numerous human casualties, material damage and destruction.

No political, economic or military considerations can justify the treacherous Russian aggression against Ukraine. War cannot be a means of doing politics in the twenty-first century.

Ukraine is grateful to the States Members of the United Nations for their consistent and strong support in countering Russian aggression and overcoming its consequences. We call for increasing international pressure on the Russian Federation in order to stop the aggression and bring about complete withdrawal from the territory of Ukraine of the Russian armed forces and Russian-controlled illegal armed groups and mercenaries, along with the removal of weapons and

military equipment deployed in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) or illegally transferred to the terrorist organizations "Donetsk People's Republic" and "Luhansk People's Republic", as well as to revoke all acts aimed at legitimizing the attempted annexation of the Crimean peninsula and to undertake its further de-occupation.

Only Ukraine's full control over the entire length of its State border and firm guarantees of its sovereignty, territorial integrity and independence can safeguard international peace and security.

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Security Council
Seventy-first year

Question of Cyprus

Oceans and the law of the sea

Letter dated 14 December 2016 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 13 December 2016, addressed to you by Mehmet Dânâ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 41 and 73 (a), and of the Security Council, and published on the website of the Division for Ocean Affairs and the Law of the Sea and in the next issue of the *Law of the Sea Bulletin*.

(*Signed*) Feridun H. **Sinirlioğlu**
Permanent Representative

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Annex to the letter dated 14 December 2016 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

13 December 2016

Upon instructions from my Government, I am writing to respond to the letter dated 10 November 2016 (A/71/611-S/2016/955) addressed to you by the Greek Cypriot representative in New York to set the record straight about the framework agreement that was signed between the Turkish Republic of Northern Cyprus and the Republic of Turkey on 10 October 2016.

The framework agreement in question involves the collaboration of the two sides in the field of electricity, namely the renewal of the electricity infrastructure, the development of electricity supply security and the construction of interconnected systems in order to supply electricity by means of submarine technology. The agreement also foresees project development and cooperation in the fields of oil and natural gas resources.

The Greek Cypriot arguments contained in the letter are based on the false premise that the Greek Cypriot administration has the right to speak on behalf of the whole island. Needless to say, the democratically elected Government of the Turkish Republic of Northern Cyprus has the sole authority and discretion to sign and conclude such agreements in order to address the needs of the Turkish Cypriot people. Hence, the Greek Cypriot administration of Southern Cyprus has no moral or legal right of say over these issues.

In this regard, it should be remembered that the partnership republic of 1960 collapsed in 1963 when the Greek Cypriot partner ejected Turkish Cypriots from all organs of the State, and ever since there has not been a joint central administration on the island capable of representing the whole of Cyprus, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

Thus, the only occupation on the island has been the usurpation of the partnership republic of 1960 by the Greek Cypriot side since 1963. Turkey's intervention and its subsequent presence on the island is legitimate under international law since it was conducted in accordance with Turkey's rights and obligations emanating from the 1960 Treaty of Guarantee. It should be noted in this regard that none of the Security Council resolutions on Cyprus refer to the presence of the Turkish troops on the island as an "occupation", as it serves as a deterrent against the repetition of the past atrocities towards the Turkish Cypriot people.

It will be remembered that recently, the Greek Cypriot representative raised allegations regarding the water supply project between the Turkish Republic of Northern Cyprus and Turkey, which is now operational and addressing the water scarcity in Northern Cyprus. In a similar vein, there can be no tenable or legitimate argument against the supply of electricity from Turkey to the island.

Furthermore, it should be stressed that the project to supply electricity from Turkey is not meant to act as a substitute for the synchronization of the electricity grids between the two sides in Cyprus as a confidence-building measure, thus

rendering irrelevant the allegation made in that letter. Yet, it should also be recalled that this particular confidence-building measure has yet to bear fruit owing to the Greek Cypriot side's lack of willingness to take the necessary steps with a view to implementing this mutually agreed and jointly declared confidence-building measure.

Availing myself of the present opportunity, I would like to call upon the Greek Cypriot side to discontinue such counterproductive and outdated rhetoric, in particular at a time when the negotiations aimed at finding a settlement have entered a critical stage. The "business as usual" statements coming from the Greek Cypriot side naturally do not instil confidence in the Turkish Cypriot side that the Greek Cypriots are finally ready for a power-sharing agreement with the Turkish Cypriot people on the basis of the agreed parameters.

Finally, I would like to reiterate that the Turkish Cypriot side expects reciprocity of its oft-demonstrated goodwill, both at the negotiating table and within the context of the daily dealings of the two sides on the island. We, therefore, hope that our Greek Cypriot neighbours will be duly encouraged to follow a similar path towards committing to a results-oriented negotiating process within the context of your good offices mission.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 41 and 73 (a), and of the Security Council, and have it published on the website of the Division for Ocean Affairs and the Law of the Sea and in the next issue of the *Law of the Sea Bulletin*.

(*Signed*) Mehmet **Dânâ**
Representative